IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 26498 of 2005(D)

PETITIONER:

C. KURUVILA KORAH, AGED 66 YEARS,
S/O. KURUVILA, PUTHUPALLYPARAMBIL,
MANARCADU, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

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1. THE SECRETARY,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOTTAYAM.

3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

4. THE TAHSILDAR, KOTTAYAM.

5. THE VILLAGE OFFICER, MANARCADU.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON 18/09/2007 DELIVERED THE FOLLOWING:

WPC NO 26498/05

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE PATTA AS WELL AS SCHEDULE OF LAND ISSUED TO THE PETITIONER

EXT.P2. COPY OF THE MAHAZAR PREPARED ON 13.8.1981

EXT.P3. COPY OF THE G.O.(Rt) NO.201/90/RD DT. 25.1.90

EXT.P4. COPY OF THE JUDGMENT DT. 8.2.93 IN OP NO.6321/1990 OF THIS HON'BLE COURT

EXT.P5. COPY OF THE GO(MS) NO. 267/96/REV DT. 21.5.96

EXT.P6. COPY OF THE JUDGMENT DT. 3.6.05 IN OP NO.6990/97 OF THIS HON'BLE COURT

EXT.P7. COPY OF THE JUDGMENT DT. 23.10.03 IN OP NO.27474/03 OF THIS HON'BLE COURT

/TRUE COPY/
PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 26498 OF 2005

Dated this the 18th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 2nd respondent to take immediate steps for assignment of 2.4 cents of land ordered to be assigned to the petitioner, as per Ext.P5 Government order and to issue patta in respect of the same.

2. Ext.P5 is an order issued by the 1st respondent which concludes by saying that the Government are pleased to order that 2.4 cents of land in Sy.No.498/1-A of Manarcadu Village, Kottayam shall be assigned to the petitioner, if the land is not required for any public purpose.

3. Therefore the respondents will have first to consider whether the land is required for any public purpose and if it is not so required, it has to be assigned to the petitioner in implementation of Ext.P5. In view of this, the writ petition is disposed of directing the 2nd respondent to examine whether the land is required for any public purpose. On such examination if it is found that the land is not so required, order of assignment of land in favour of the petitioner shall be issued as directed in Ext.P5. This process shall be completed by

the 2nd respondent as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent no.2 for compliance.

ANTONY DOMINIC, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.